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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,627	02/15/2002	Beschier Jacob Noteboom	Q68585	1682
7590 05/10/2006			EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			FERGUSON, DENISE	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 05/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,627

Applicant(s)

NOTEBOOM, BESCHIER JACOB

Examiner

Denise Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/15/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a non-final office action in response to the communication received on 02/15/2002. Claims 1-13 are now pending in this application.

Claim Objections

1. Claims 4-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).
2. Claims 5-7, 10, and 11 are objected to because the claims contain the phrase "according to one of the proceeding claims". For the purpose of examination, it is assumed that "proceeding" is intended to be "preceding". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. (US Patent No. 6385620) in view of Pederson et al. (US Patent No. 5278980).

As per claim 1, Kurzius et al. discloses a method for job mediation, comprising the steps of storing employee characteristics of a plurality of employees, the employee characteristics comprising a plurality of matching criteria and associated matching criteria values; receiving a request for a number of jobs having the same job characteristics from a customer, the job characteristics comprising values for at least a subset of the plurality of matching criteria; matching the employee characteristics with the job characteristics using the matching criteria (col. 8, lines 28-39; Candidate matching engine 38 may include matching algorithms and/or listed hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference. For example, specific matching criteria may include required job criteria and referred job criteria designated by an employer. Job criteria may alternatively be ranked by an employer or recruiter.); outputting a first subset of the plurality of employees matching the job characteristics (col. 18, lines 18-19; The ranked list of candidate records is presented to a user or stored in a file or record). Kurzius et al. does not expressly disclose an adjustment advice, comprising an identification of at least one of the plurality of matching criteria and an associated value to which the at least one of the plurality of matching criteria should be adjusted. However, Pederson et al. teaches an adjustment advice to improve returned matching results (col. 7, lines 5-10; The user enters match criteria and is presented with results and information to use for query reformulation in the subsequent search). It would have been obvious to one of ordinary skill in the art at

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the time of the invention to include an adjustment advice for criteria adjustment in order to improve matching results.

As per claim 3, Kurzius et al. does not expressly disclose a method according to claim 1 or 2, in which the step of generating an adjustment advice is executed when the number of employees in the first subset of employees is lower than the requested number of jobs. However, Pederson et al. teaches an adjustment advice generated when the number of matching items returned in the first result subset does not sufficiently meet the users need (col. 8, line 60-col. 9 line 12; The user initiates a search and receives results and an adjustment advice. If the results are insufficient, the user may iteratively use each subsequent adjustment advice to modify subsequent searches until the results returned meet the desired informational need). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to generate the adjustment advice when the number of employees in the first subset of employees is lower than the requested number of jobs to generate sufficient results.

As per claim 5, Kurzius et al. discloses a method according to one of the preceding claims, in which the at least one criterion is selected from a list of meaningful criteria (col. 17, lines 40-42; A candidate can enter or select, whether in selectable or freeform data fields, data to qualify candidate proficiency levels).

As per claim 6, Kurzius et al. discloses a method according to one of the preceding claims, in which the at least one matching criterion is a further matching criterion associated with one of the plurality of matching criteria according to a set of

knowledge rules (col. 8, lines 45-55; The system identifies categories and associated sub-categories of matching criteria).

As per claim 7, Kurzius et al. discloses a method according to one of the preceding claims, in which the at least one criterion is adjustable by one of the plurality of employees (col. 11, lines 55-58; The candidate is able to modify his or her profile).

As per claim 8, Kurzius et al. discloses a method according to one of the claims 1 through 6, in which the at least one criterion is adjustable by the customer (col. 18, lines 54-57 and Figure 18; The employer may specify or modify desired candidate qualifications for a described employment position, referred to generally as job criteria).

As per claim 9, Kurzius et al. discloses a method according to claim 7 or 8, in which the at least one matching criteria is employee availability (col. 18, lines 59-60; Criteria may include full-time or part-time status to match employee availability).

As per claim 10, Kurzius et al. discloses a method according to one of the preceding claims, in which the employee characteristics comprise soft skills (col. 19, lines 1-4; Criteria may include soft skills that might be a desirable skill to match a position), but does not expressly disclose soft skill criteria values being deduced from an interview with the employee. Conducting an interview with job candidates is a well-known practice of assessing soft skills in the recruiting and job placement process. Therefore, it would have been obvious to one of ordinary skill in the art to include an interview to evaluate soft skills as a way of gathering additional information about a candidate in order to determine how well he or she would assimilate into the hiring organization.

As per claim 11, Kurzius et al. discloses a method according to one of the preceding claims, in which the request for a number of employees allows part-time employees (col. 18, lines 59-60; Criteria may include full-time or part-time status to match employee availability).

As per claim 12, Kurzius et al. does not expressly disclose a method according to claim 11, in which the method comprises the further step of matching part-time employees of which the available hours match with the requested hours for at least a first value, e.g. 40%; sorting the part-time employees according to matching availability; and selecting a number of part-time employees according to the sorted list, until the requested hours are filled. It is a well-known practice to evaluate and arrange multiple shift workers' schedules in order to meet an employer's staffing needs. Therefore, it would have been obvious to one of ordinary skill in the art to include a step of evaluating employees' reported available hours and matching available hours with the required hours in order to meet staffing needs.

As per claim 13, Kurzius et al. discloses a system for job mediation comprising central processing means, memory means connected to the central processing means, and at least one input/output means connectable to the central processing means, in which the central processing means are arranged to perform the method steps of one of the claims 1 through 12 (col. 2, lines 10-24; The system includes a computer-readable medium, a computer program, and data storage; and col. 4, lines 63-col. 5, line 2; the system may also include memory, processing components, and input and output modules that enable a user to enter and view data).

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5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. in view of Pederson et al. as applied to claim 1 above, and further in view of Clark et al. (US Patent No. 5164897).

As per claim 2, Kurzius et al. and Pederson et al. disclose a method according to claim 1 as discussed above, but do not disclose the further step of calculating a projected subset of employees when the at least one matching criteria is adjusted to the associated value, and the adjustment advice further comprising the projected subset of employees. Clark et al. does teach this further step (col. 2, lines 15-21; A second step may be included to select a second set of employee records having qualifications matching at least one of a predetermined set of second job criteria from a second data file which includes a second plurality of employee records). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a step of determining a first set of employees and retrieving a second subset of employees in order to refine matching results.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al. in view of Pederson et al. as applied to claims 1 and 3 above, and further in view of Wrobel (US Patent No. 6154739).

As per claim 4, Kurzius et al. discloses a method according to claim 1, 2 or 3, in which the step of matching comprises the steps of determining a score for each of the plurality of employees, based on a weighted score for each of the plurality of matching criteria (col. 18, lines 60-62; Fields or indicators may be used to weight particular skills or candidate qualification data), the first subset of the plurality of employees comprising

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employees, for which the score is above a first predetermined threshold (col. 15, lines 11-30; A candidate may be ranked based on how well the candidate matches weighted criteria). However, Kurzius et al. does not disclose the adjustment advice being generated by selecting a second subset of employees, for which the score is between the first predetermined threshold and a second predetermined threshold, the second threshold being lower than the first threshold; and deriving from the second subset at least one matching criterion, for which the employee characteristic and job characteristic do not match, and an associated value that will result in a higher number of the plurality of employees for which the score is above the first threshold.

Pederson et al. discloses an adjustment device as discussed above. Wrobel discloses the method of object selection from among a group of objects (col. 2, lines 17-33; The method describes the detection of a selectable number of groups of objects having at least one selectable characteristic from a population of objects specifiable by a plurality of attributes by a process of hierarchically subdividing object groups, evaluating object attributes, and selecting desired objects). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to hierarchically organize the employee group into subsets based on attributes, and select desired employees from a subset in order to refine match results.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Nadkarni (US Patent No. 6266659) discusses a computer-based on-line skills/resume management system.
- Joao (US Patent No. 6662194) discusses an apparatus and method for providing recruitment information.
- Sobotka (US Patent No. 5197004) discusses a method and apparatus for automatically selecting the job category or categories within which an applicant should be placed.
- Buckwalter et al. (US Patent No. 6735568 B1) discusses the functions and operations of a matching service.
- Genser (US Patent No. 6594670 B1) discusses a system and method for organizing database search criteria match results.
- Haq et al. (US Patent No. 6275812) discusses a system or method for human resource skill management using an employee and skill weighting system.
- McGovern et al. (US Patent No. 5978768) discusses a computer-driven employment recruiting service.
- Walker et al. (US Patent No. 5884270) discusses a system for facilitating employment searches and matching employers with candidates.
- Salmon et al. (US Patent No. 5592375) discusses a computer-assisted system for brokering of goods or services and criteria matching.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Ferguson whose telephone number is (571) 272-6392. The examiner can normally be reached on Monday - Friday, 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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